



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 30 2014

OFFICE OF WATER

MEMORANDUM

TO: Jared Blumenfeld
Regional Administrator, Region 9

FROM: Nancy K. Stoner *Nancy K. Stoner*
Acting Assistant Administrator
Office of Water

SUBJECT: Special Case Designation – Redwood City Salt Plant Site, San Francisco Bay

This is in reply to your memorandum requesting approval to place the determination of the geographic scope of the Clean Water Act jurisdiction for the above-referenced site on the Region 9 Special Case List pursuant to the 1989 Memorandum of Agreement between the two agencies.

The Office of Water contacted the Department of the Army, and learned that Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy directed the U.S. Army Corps of Engineers to suspend work on a final jurisdictional determination of the Redwood City Site (the Site) under the Clean Water Act and Rivers and Harbors Act pending a review by her office of legal and policy issues associated with this matter. The Office of Water supports the Army's review and looks forward to providing any assistance Assistant Secretary Darcy may request from EPA.

The Army has made no decision regarding the jurisdictional status of the Site and a final jurisdiction determination will not occur until the ongoing Army review is complete. As a result, I defer any Special Case designation of the Site under the 1989 Memorandum of Agreement while the Army review proceeds. Consistent with our CWA authority to determine the scope of jurisdiction for all CWA programs, and with the coordination procedures established in the 1989 MOA, the Office of Water retains the right to designate the Site as a Special Case in the future, and will make that determination following the Army's legal and policy review, or as circumstances may warrant.

I appreciate your leadership on this important issue.

cc: Bob Perciasepe
Avi Garbow
Ken Kopocis